

Mark C. Mao, CA Bar No. 236165
 Beko Reblitz-Richardson, CA Bar No. 238027
 Erika Nyborg-Burch, CA Bar No. 342125
BOIES SCHILLER FLEXNER LLP
 44 Montgomery St., 41st Floor
 San Francisco, CA 94104
 Tel.: (415) 293-6800
 mmao@bsflp.com
 brichardson@bsflp.com
 enyborg-burch@bsflp.com

James Lee (admitted *pro hac vice*)
 Rossana Baeza (admitted *pro hac vice*)
BOIES SCHILLER FLEXNER LLP
 100 SE 2nd St., 28th Floor
 Miami, FL 33131
 Tel.: (305) 539-8400
 jlee@bsflp.com
 rbaeza@bsflp.com

Amanda K. Bonn, CA Bar No. 270891
SUSMAN GODFREY L.L.P.
 1900 Avenue of the Stars, Suite 1400
 Los Angeles, CA 90067
 Tel: (310) 789-3100
 Fax: (310) 789-3150
 abonn@susmangodfrey.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
 JEREMY DAVIS, CHRISTOPHER
 CASTILLO, and MONIQUE TRUJILLO
 individually and on behalf of all similarly
 situated,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

William Christopher Carmody
 (admitted *pro hac vice*)
 Shawn J. Rabin (admitted *pro hac vice*)
 Steven M. Shepard (admitted *pro hac vice*)
 Alexander Frawley (admitted *pro hac vice*)
SUSMAN GODFREY L.L.P.
 1301 Avenue of the Americas,
 32nd Floor
 New York, NY 10019
 Tel.: (212) 336-8330
 bcarmody@susmangodfrey.com
 srabin@susmangodfrey.com
 sshepard@susmangodfrey.com
 afrawley@susmangodfrey.com

John A. Yanchunis (admitted *pro hac vice*)
 Ryan J. McGee (admitted *pro hac vice*)
MORGAN & MORGAN
 201 N. Franklin Street, 7th Floor
 Tampa, FL 33602
 Tel.: (813) 223-5505
 jyanchunis@forthepeople.com
 mram@forthepeople.com
 rmcgee@forthepeople.com

Michael F. Ram, CA Bar No. 104805
MORGAN & MORGAN
 711 Van Ness Ave, Suite 500
 San Francisco, CA 94102
 Tel: (415) 358-6913
 mram@forthepeople.com

Case No.: 4:20-cv-03664-YGR-SVK

**DECLARATION OF CHRISTOPHER
 THOMPSON IN SUPPORT OF
 PLAINTIFFS' OBJECTIONS TO THE
 SPECIAL MASTER'S RECOMMENDED
 PRESERVATION PLAN**

Referral: The Honorable Susan van Keulen

DECLARATION OF CHRISTOPHER THOMPSON

I, Christopher Thompson, declare as follows.

1. Counsel for the *Brown* Plaintiffs retained me to provide technical analysis and testimony in connection with the preservation plan recommended by Special Master Brush and objections thereto.

2. All of the statements in this declaration are true based on my analysis and personal knowledge, and I am available and if the Court permits it willing to testify on these matters.

3. A copy of my CV was previously filed at Dkt. 536-9. As reflected in my CV, I majored in Computer Engineering and have many years of experience in computing technology. I am being compensated at a rate of \$275 per hour for my work in connection with this matter, and none of my compensation is contingent on the outcome of this litigation.

4. In the course of my previous work writing software and building software systems, I have used Protocol Buffers, defined “proto” schema files, and built systems that write to the data structures defined by proto files.

5. I have reviewed each and every submission Google and the Special Master made available as part of the Special Master process, including the Plaintiffs’ data, test data, and schema produced by Google, and the transcripts of the hearings before the Special Master. In addition, all documents Google produced and deposition transcripts for witnesses in this case have been made available to me pursuant to the Protective Order issued in this case.

6. I understand that Google has argued that preserving all private browsing activity would require storing [REDACTED]

[REDACTED].

7. Based on my analysis of the data produced by Google in this litigation, including in connection with the Special Master process, that assertion is misleading. Google can greatly reduce its stated burdens by preserving only relevant data drawn from fewer logs.

8. Google identified [REDACTED]¹ logs during the Special Master process. Assuming that

¹ Google initially identified [REDACTED] logs (Dkt. 338) and then continued to identify additional logs throughout the process as new data came to light until the Special Master required the parties to present their

Google identified all logs in which it stores web browsing data, and assuming that each log requires equal storage space, [REDACTED]

9. Google can reduce its burden further by preserving only [REDACTED]

[REDACTED]: Google Chrome's market share is approximately 50%, and [REDACTED]. See Statcounter, Browser Market Share United States of America (last accessed April 14, 2022), <https://gs.statcounter.com/browser-market-share/all/united-states-of-america#monthly-201601-202202>; GOOG-CABR-04795991 at -996; GOOG-BRWN-00846508 at -508.

10. Taken together, those two limitations would likely reduce the storage space for preservation of Incognito traffic by [REDACTED].

11. Google's burden could be further reduced by creating a new log containing only the fields most important for class member identification.

12. Finally, my analysis does not account for Google's existing retention policies which [REDACTED]

13. Attached hereto as **Exhibit A** is a true and correct copy of GOOG-CABR-04795991.

14. Attached hereto as **Exhibit B** is a true and correct copy of GOOG-BRWN-00846508.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 15th day of April, 2022, at Nolensville, Tennessee.

/s/ Christopher Thompson

preservation plans, and Google provided an enumerated list of logs at issue. 2022-03-23 Log sources before Special Master.xlsx.